REMARKS

Claims 1-3, 5, 9 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Blaker et al., U.S. Patent No. 921,352. The Examiner's rejection is respectfully traversed.

The claims are directed to an appliance for protection against impact and strain injury. The appliance includes a plurality of mutually overlapping interconnected plates of an impact-resistant material attached to or adapted to be attached to an article worn about a part of the body such as to permit limited relative movement between the plates. At least some of the plates are aligned and movable along a common backing member and means are provided for removably mounting the appliance on an article to be worn.

The Examiner asserts that Blaker'352 discloses that a means 10, 11 are provided for removably mounting the appliance about the body when the appliance is worn. The Applicant respectfully submits that the Examiner's interpretation of claim 1 is incorrect.

Blaker'352 does disclose an article to be worn, specifically, a vest 1 that is removably mounted about a body using means 10, 11, i.e. buttons and button holes to fasten the vest. However, the appliance of the Applicant's claim 1 is required to be removably mounted on an article such that the article is worn, and not removably mounted about a body. Therefore, the Applicant respectfully submits that Blaker discloses an article that is removably mountable about a body, and does not disclose the appliance that is removably mounted to an article as required by claim 1.

The appliance of claim 1 also requires a plurality of mutually overlapping interconnected plates. As shown in Figures 2 to 4, Blaker'352 disclose that "plates 6 are first secured to flexible strips 7 by rivets 8 and are fixed to the strips 7 so that their adjacent edges overlap" (See Blaker, column 2, lines 2-5). Therefore, the Applicant respectfully submits that the article to be worn of Blaker is not an appliance as defined by the Applicant, but that the flexible strip 7 and plates 6 of Blaker disclose means that are similar.

The Examiner asserts that moveable plates are disclosed by Blaker'352 in column 2, lines 2-13 and Figures 3-5. Blaker discloses that "plate 6 are first secured to flexible strips 7 as by rivets T" (See column 2, lines 2-4). The Applicant submits that securing the plates by use of rivets result in plates that are fixed in place on a flexible strip. Additionally, Blaker discloses that the flexible strip upon which the plates are mounted are successively stitched to the fabric (See column 2, lines 6-7), and thus the plates are not removably mounted as specified by the Applicant. Therefore, the Applicant respectfully submits that the plates secured to flexible strips disclosed by Blaker are not moveable along a common backing member as required by claim 1 of the Applicant's invention and they are thus also not removably mounted. Therefore, the Applicant's invention is not anticipated by Blaker'352.

Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Blaker et al.'352 in view of White, U.S. Patent No. 6,305,031. Claims 7, 8, 12-15 and 18-19 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Blaker et al.'352 in view of Lewis, U.S. Patent No. 5,060,314. Claims 11 and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Blaker et al.'352.

As claims 7, 8, and 11-19 are all dependent claims based on a patentably allowable independent claim, claims 7, 8, and 11-19 should be considered in a condition for allowance.

In view of the foregoing, it is believed that the amended claims and the claims dependent therefrom are in proper form. The Applicant respectfully contends that the teachings of Blaker et al., U.S. Patent No. 921,352 do not render the Application as anticipated. Additionally, the teachings of Blaker et al.'352, Blaker et al.'352 in view of White, U.S. Patent No. 6,305,031 and Blaker et al.'352 in view of Lewis, U.S. Patent No. 5,060,314, do not establish a *prima facie* case of obviousness under the provisions of 35 U.S.C. §103(a). Thus, claims 1-3, 5 and 7-19 are considered to be patentably distinguishable over the prior art of record.

The application is now considered to be in condition for allowance, and an early indication of

same is earnestly solicited.

The Commissioner is authorized to charge Deposit Order Account No. 19-0079 for any further extension and/or fee that is required.

Respectfully submitted,

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